

United States District Court
Eastern District of New York

23 April, 2019

U.S. Commodity Futures Trading Commission,
Plaintiff

vs

CV 17-4087 (ADS) (AKT)

Daniel Winston LAMARCO and GIDLogix, Inc
Defendants

AFFIDAVIT of Service

X Service by depositing a true copy thereof enclosed in a post-paid wrapper, by mail in an official depository under the exclusive care and custody of the Bureau of Prisons located at 150 Park Row, New York, NY 10007; Addressed to each of the following persons at the address set forth after each name.

Ms. Danielle KARST

U.S. Commodities and Futures Trading Commission
1155 21st Street N.W
Washington D.C 20581

RECEIVED

APR 26 2019

Dated 23 April, 2019

EDNY PRO SE OFFICE

Respectfully Submitted,

On T.M.

Daniel W. CAMARCO

17-CV-4087 (ADS)(AKT)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 25 2019 ★

Dear Clerk of Court.

LONG ISLAND OFFICE

4/23/19

I am submitting the Attached Affidavit of Service
in response to your note of 4/16/19 (Attached).

In the mail I received, there was no Affirmation
of Service form.

Please accept the included Affirmation of Service
form.

Kindest Regards,

On T.M.

Daniel LAMARCO

RECEIVED

APR 26 2019

EDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

Douglas C Palmer
Clerk of Court

Brenna Mahoney
Chief Deputy

Carol McMahon
Chief Deputy



Theodore Roosevelt Federal Courthouse
Emanuel Celler Federal Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
(718) 613-2270

Alfonse D'Amato Federal Courthouse
100 Federal Plaza
Central Islip, NY 11722
(631) 712-6000
Pro Se: (631) 712-6060

Date: 4/16/19
Re: 16-CR-433(ADS)
17-CV-4087(ADS)(AKT)

Dear *pro se* litigant:

The enclosed document is/are being returned without docketing or consideration for the following reason(s):

- ☐ The docket number and/or judges' initials are incorrect or missing.
- ☐ Your signature is required on all papers filed with the Court. Please sign wherever an "X" appears.
- ☐ These papers appear to be intended for another court or agency.
- ☒ Papers cannot be filed without indicating that they have been served on all parties in your action, or their attorneys. This office *will not* forward copies of your papers to other parties or their counsel. An affirmation of service form is enclosed.
- ☐ Your papers do not meet the minimum requirements for:
 - ☐ Legibility: please type or print clearly.
 - ☐ Language: only English is acceptable.
 - ☐ Form or Content: See forms/instructions enclosed.
 - ☐ Please indicate the documents you served on your affirmation of service.
 - ☐ Other:
- ☐ This Court will only accept papers on 8 1/2 by 11 paper. Note that this does not include exhibits.
- ☐ Pursuant to Local Civil Rule 5.1, discovery materials are not filed with the Court except by Order of the Court.
- ☐ Your Notice of Appeal has been processed, and your case is closed. Your papers should be directed to:

United States Court of Appeals for the Second Circuit
Thurgood Marshall U. S. Courthouse
40 Foley Square
New York, NY 10007

- ☐ Our records indicate that you are represented by an attorney. As such, you may not file papers or communicate directly with the Court. Please refer this matter to your attorney.
- ☐ The Court cannot act on your submission(s). To the extent that it is your intent to start a new action, or to file a motion, please request the appropriate form(s) from our website or from our office.
- ☐ Other:

By: 
J. Grady

TRULINCS 89579053 - LAMARCO, DANIEL WINSTON - Unit: NYM-E-S

FROM: 89579053
TO:
SUBJECT: The Honorable A. Kathleen Tomlinson
DATE: 04/07/2019 01:55:29 PM

The Honorable A. Kathleen Tomlinson
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

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APR 26 2019

Re: Response to CFTC Status Update dated March 29, 2019

Dear Magistrate Judge Tomlinson:

EDNY PRO SE OFFICE

I will respond to the CFTC Status Update and the misrepresentations contained therein as succinctly as possible.

1. My friend did place the "thumb drive" with the discovery into the mail on Saturday February 9, 2019 from a post office located in Bayshore, NY. Included within the package was a cover letter addressed to your honor stating the contents and referring to the case file as instructed by you. I would humbly ask that the court clerks check to see if the mail and contents were processed. Nonetheless, my friend will once again send the same package in the next few days to the court and this time include a return receipt request.
2. As your honor knows, per Ms. Scannell-Vesella the MCC Staff Attorney, I did not receive the order or the UPS package until December 31, 2018. As such, my response via the thumb drive mailed on February 9, 2019 was timely and within the 45 days. Further, Ms. Karst should note that just because mail is received by MCC does not mean that it is provided to the recipient in a timely manner or even at all. The court is well aware of the many problems at MCC including the sending and delivery of mail.
3. Ms. Karst in her update affirms that she nor the CFTC will comply with my Request for Production of Documents. Only stating that the CFTC has supplied everything in their possession. Nor does Ms. Karst or the CFTC provide an answer as to why they cannot comply with the RFP.
4. Ms. Karst states that "Mr. LaMarco provided deficient, incoherent and largely non-responsive responses to the CFTC RFP, including by failing to indicate if he has any responsive documents for each RFP category."
 - A. It should be noted that I responded in extraordinary detail as requested by the CFTC. Contrarily, the CFTC has openly stated that they will not respond to my RFP AT ALL.
 - B. My response to the CFTC RFP conformed to the structure of the RFP request. The allegation that it was incoherent is more reflective of Ms. Karst and the CFTC's desperate attempt to divert attention away from the fact that the CFTC discovery information completely and unassailably refutes and proves false every single CFTC allegation in the original complaint.

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C. In the CFTC RFP, the CFTC requested "all documents that refer, relate to or support the defenses raised in the Motion to Dismiss. That is why my response is so detailed. And, using the CFTC's own data - supports all of the defenses outlined in the Motion to Dismiss.

5. Ms. Karst states that I have made excuses as to why I am unable to locate or produce documents. Ms. Karst in what can only be described as bewildering - states that my friend not being able to access my biometrically secured laptop is an excuse. We are only left to wonder...How does Ms. Karst expect my friend to access my computer without having my thumb? The answer, if any is...eerie.

In Summary, I have responded to the CFTC RFP as well as can be while incarcerated. My friend will once again send the thumb drive in the coming days. The CFTC has not responded to my RFP request at all.

Additionally, I humbly request the court to consider the following;

1. The complaint lacks specificity as required by Rule 9.
2. The complaint does not say what was gained by the endeavor.
3. The complaint has been demonstrated to be baseless and factually wrong using the CFTC's own discovery data.

The CFTC and Ms. Karst conceived of a narrative and the CFTC's own evidence completely refutes that narrative.

Nonetheless, Ms. Karst does not want the Facts to get in the way of her pre-conceived and blatantly wrong narrative.

I very humbly and with upmost respect request the court grant the Motion to Dismiss in it's entirety.

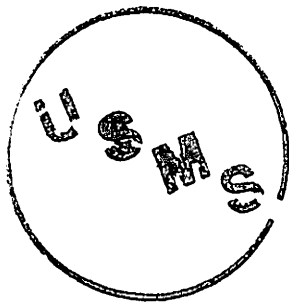
Sincerely,



Daniel W. LaMarco

Daniel W. Lamarco 89579-053
 NYC, MCC
 150 PARK ROW
 NEW YORK, NY 10007

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 IN CLERK'S OFFICE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK
 THE HONORABLE A. KATHLEEN TOMLINSON
 UNITED STATES DISTRICT COURT
 CONG ISLAND COURTHOUSE
 100 FEDERAL PLAZA
 CENTRAL ISLIP, NY 11722



11722-443800

